

**MEDICAL EXAMINING BOARD MEETING
AUGUST 18, 2004 – MINUTES**

PRESENT: Mary Cook, JD; Lief Erickson, Jr., MD; Alfred Franger, MD; Jon Gudeman, MD; Virginia Heinemann; Sujatha Kailas, MD; Karen Kalishek; Jack Lockhart, MD; Gene Musser, MD. Daniel Miota, DO arrived at 8:05 a.m., and Bhupinder Saini, MD arrived at 8:07 a.m.

EXCUSED: Ian Munro, MD

STAFF: Tom Ryan, Bureau Director; Colleen Baird, DRL Counsel to the Board; Kevin Murphy, Bureau Assistant; DOE Staff.

GUESTS: Shelly Raebel, Purdue Pharmacy; Mark Grapentine, WI Medical Society

CALL TO ORDER

Chair Alfred Franger called the meeting to order at 8:02 a.m.

APPROVAL OF AGENDA

Additions to the agenda:

- interim decision and order regarding motions 26-32 in the Suster matter
- Attorney Arthur Thexton's designation of video tape in the Suster matter
- Russo stipulation to be placed between Items D and E
- Updated Ongstad stipulation
- Additional Ferris correspondence for Item P
- Additional Sparr correspondence for Item R
- Case closing report for Item U

MOTION: Karen Kalishek moved, seconded by Gene Musser, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 21, 2004

Amendments to Minutes:

- The Bureau Director noted the omission of two failed motions, Hisgen and Menn, from the July meeting.
- Beneath approval of Minutes of June 16, 2004, change "Mr. Franger" to "Dr. Franger."

MOTION: Jon Gudeman moved, seconded by Lief Erickson, to approve the minutes as amended. Motion carried unanimously.

REPORT OF SCREENING PANEL

Ms. Cook reported that after reviewing 53 cases, the screening panel opened 17 and requested more information for 3.

ADMINISTRATIVE REPORT

Designation of Credentialing Liaisons (2):

MOTION: Jack Lockhart moved, seconded by Lief Erickson, to use the current credentialing committee as credentialing liaisons. Motion carried unanimously.

Summary Reports of Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation:

The Bureau Director noted that no rules are pending and that the legislature is not in session.

Regulatory Digest – status:

The Bureau Director stated that a completed draft of the new digest should be available at the September meeting for Board review.

Board Member Workshop – Report

The Bureau Director noted that the Workshop was a success and thanked Drs. Kailas and Musser for attending. The Bureau Director then introduced and welcomed Dr. Kailas to the Board.

PRACTICE QUESTION – TELEPHONE CONSULTATION – DEBRA MINJAREZ, MD – COLORADO CENTER FOR REPRODUCTIVE MEDICINE – ENGLEWOOD, CO

MOTION: Mary Cook moved, seconded by Jon Gudeman, to write Dr. Minjarez asking for more information regarding these telephone consultations. Motion carried unanimously.

The Board then agreed to allow DRL Board Counsel to handle routine practice questions with a clear precedent. All other matters will be referred to the full Board.

PRESENTATION OF ORAL ARGUMENTS IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST STUART M. SUSTER, MD BY ATTORNEY ARTHUR THEXTON (FOR PETITIONER) AND STUART M. SUSTER, MD (FOR RESPONDENT) – CASE No. LS 0210291 MED – CASE ADVISOR – DR. BHUPINDER SAINI

Mr. Thexton and Dr. Suster presented their oral arguments to the Board.

PRESENTATION OF ORAL ARGUMENTS IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST DENNIS K. NESS AND JAMES J. LOGAN BY ATTORNEY GIL LUBCKE (FOR PETITIONER) AND ATTORNEY PATRICIA EPSTEIN (FOR RESPONDENT) – CASE NO. LS 0306253 AND 0306254 – CASE ADVISOR – DR. JOHNSON

Mr. Lubcke and Ms. Epstein presented their oral arguments to the Board. Drs. Lockhart and Musser left the room for the presentations.

CLOSED SESSION

MOTION: Jon Gudeman moved, seconded by Karen Kalishek, to CONVENE TO CLOSED SESSION to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Motion carried unanimously in a roll call vote.

The Board convened to closed session at 10:10 a.m.

VISITING PROFESSOR LICENSE REQUEST – TAKUSHI KOHMOTO, MD

MOTION: Dr. Lockhart moved, seconded by Dr. Erickson, to grant a 2 year visiting professor license to Takushi Kohmoto, MD. Dr. Musser abstained from deliberations and voting. Motion carried.

DELIBERATION OF PROPOSED ORDER, OBJECTIONS, RESPONSES TO OBJECTIONS OF COMPLAINANT AND RESPONDENT, AND RESPONDENT'S RESPONSE TO INTERIM ORDER REGARDING MOTIONS 26-32 IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST STUART M. SUSTER, MD, CASE NO. 00 MED 272 – CASE ADVISOR – BHUPINDER SAINI, MD

The Board deliberated on the Suster matter and delayed the official vote until open session. Dr. Saini abstained from all deliberations.

DELIBERATION OF PROPOSED ORDER, OBJECTIONS, AND RESPONSES TO OBJECTIONS OF COMPLAINANT AND RESPONDENT IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST DENNIS K. NESS AND JAMES J. LOGAN – CASE NOS. LS 0306253 AND 0306254 – CASE ADVISOR – DR. JOHNSON

MOTION: Dr. Miota moved, seconded by Dr. Gudeman, to uphold the ALJ decision and dismiss the case. Drs. Lockhart and Musser abstained from deliberations and voting. Ms. Kalishek opposed the motion. Motion carried.

DELIBERATION OF PROPOSED STIPULATION IN THE MATTER OF PAUL J. RUSSO, DO

MOTION: Ms. Cook moved, seconded by Dr. Saini, to adopt the stipulation in the matter of Paul J. Russo, DO. Motion carried unanimously.

DOE MONITORING:

REQUEST FOR THREE MONTH STAY OF SUSPENSION IN THE MATTER OF MARK BENSON, MD

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to grant a three month stay of suspension in the matter of Mark Benson, MD. Motion carried unanimously.

REQUEST FOR THREE MONTH STAY OF SUSPENSION IN THE MATTER OF JOHN FERRIS, MD

MOTION: Dr. Lockhart moved, seconded by Mary Cook, to grant a one month stay in the matter of John Ferris, MD. Motion failed in a 5-6 vote.

MOTION: Dr. Gudeman moved, seconded by Ms. Heinemann, to deny the stay request in the matter of John Ferris, MD. Motion carried.

The Board will re-review this matter at the September meeting.

REQUEST FOR THREE MONTH STAY OF SUSPENSION IN THE MATTER OF RAYMOND KOZIOL, MD

MOTION: Dr. Lockhart moved, seconded by Ms. Kalishek, to grant a three month stay of suspension in the matter of Raymond Koziol, MD. Dr. Gudeman abstained from deliberations and voting. Motion carried.

REQUEST FOR REINSTATEMENT OF STAY OF SUSPENSION IN THE MATTER OF KENNETH SPARR, MD

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to grant a three month stay of suspension in the matter of Kenneth Sparr, MD. Ms. Heinemann opposed the motion. Motion carried.

REQUEST FOR FULL REINSTATEMENT OF LICENSE IN THE MATTER OF CATHERINE MCKESSON, MD

MOTION: Ms. Kalishek moved, seconded by Dr. Miota, to reinstate the license of Catherine McKesson, MD. Dr. Kailas abstained from voting. Motion carried.

**REQUEST FOR THREE MONTH STAY OF SUSPENSION IN THE MATTER OF
DAVID ONSRUD, MD**

MOTION: Dr. Miota moved, seconded by Dr. Saini, to grant a three month stay of suspension in the matter of David Onsrud, MD. Dr. Lockhart abstained from deliberations and voting. Motion carried.

**DELIBERATION OF POSSIBLE VIOLATION OF A BOARD ORDER IN THE
MATTER OF CHRISTOPHER RASMUSSEN, MD**

MOTION: Ms. Heinemann moved, seconded by Dr. Miota, to deny the stay request and refer the case to DOE for investigation in the matter of Christopher Rasmussen, MD. Dr. Saini abstained from deliberations and voting. Motion carried.

**CONSIDERATION OF ADMINISTRATIVE WARNING IN THE MATTER OF
04 MED 117**

MOTION: Dr. Musser moved, seconded by Dr. Saini, to accept the recommendation for administrative warning. Motion carried unanimously.

**PRESENTATION OF PROPOSED ORDER GRANTING LIMITED LICENSE – CURTIS
D. ONGSTAD, MD**

MOTION: Dr. Gudeman moved, seconded by Ms. Kalishek, to accept the order granting limited license in the matter of Curtis D. Ongstad, MD. Motion carried unanimously.

CONSIDERATION OF IPP RELEASE – PRESENTATION BY DEANNA ZYCHOWSKI

MOTION: Dr. Kailas moved, seconded by Ms. Heinemann, to release #324 from IPP. Motion carried unanimously.

**REQUEST FOR CONSIDERATION OF LICENSURE – ABDELMONEIM ELTOMI,
MD**

MOTION: Dr. Saini moved, seconded by Ms. Kalishek, to issue a license limited to psychiatry in the matter of Abdelmonein Eltomi, MD. Dr. Lockhart abstained from deliberations and voting. Ms. Heinemann opposed the motion. Motion carried.

REQUEST FOR CONSIDERATION OF LICENSURE – ROYAL B. ANSPACH, MD

MOTION: Dr. Gudeman moved, seconded by Dr. Lockhart, to grant a license limited to family practice in the matter of Royal J. Anspach, MD. Dr. Saini abstained from deliberations and voting. Motion carried in a 5-4 vote.

PLANNING FOR REVIEW/REVISION OF ORAL EXAMINATION QUESTIONS – DARWIN TICHENOR

The Board discussed revising the oral examination questions. Mr. Tichenor agreed to provide the Board members with copies of the current questions, and the Board will draft new questions for review in September.

Dr. Erickson left the meeting at 12:50 p.m.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT AND CASE CLOSINGS

MOTION: Dr. Saini moved, seconded by Dr. Musser, to close case 03 MED 145 for P2. Motion carried unanimously.

MOTION: Dr. Saini moved, seconded by Ms. Cook, to close case 03 MED 077 for no violation. Ms. Kalishek abstained. Motion carried.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: At 1:05 p.m., Dr. Gudeman moved, seconded by Ms. Heinemann, to reconvene into open session. Motion carried unanimously.

DELIBERATION OF PROPOSED ORDER, OBJECTIONS, RESPONSES TO OBJECTIONS OF COMPLAINANT AND RESPONDENT, AND RESPONDENT'S RESPONSE TO INTERIM ORDER REGARDING MOTIONS 26-32 IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST STUART M. SUSTER, MD, CASE NO. 00 MED 272 – CASE ADVISOR – BHUPINDER SAINI, MD

MOTION: Dr. Musser moved, seconded by Ms. Heinemann, to accept the proposed decision of ALJ Ruby Jefferson-Moore in the matter of disciplinary proceedings against Stuart M. Suster, MD. Dr. Saini abstained from deliberations and voting. Motion carried.

MOTION TO AFFIRM ALL VOTES/DECISIONS MADE IN CLOSED SESSION

MOTION: Dr. Gudeman moved, seconded by Dr. Musser, to affirm all votes and decisions made in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Dr. Musser moved, seconded by Dr. Saini, to adjourn the meeting at 1:20 p.m. Motion carried unanimously.

Next Meeting September 15, 2004